

Secretary of State Equipment Certification Advisory Committee

(A.R.S. § 16-442)

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Meeting Minutes of October 29, 2019

I. Call to Order

Chairman Janine Petty, Assistant State Election Director, Secretary of State's Office, called the meeting to order at 8:48 a.m.

II. Welcome & Roll Call

Committee Members Present:

Janine Petty - Chairman

Peter Silverman, ESQ.

Dr. Jim Helm

Committee Staff Present:

Chris Rhode – Elections Analyst & Staff

Tanner Robinson – Elections Specialist & Staff

Joseph LaRue – Assistant Attorney General

Kara Karlson – Assistant Attorney General

Caroline Shoemaker – Assistant Attorney General

Committee Members Absent:

None

Committee Staff Absent:

None

Chairman Petty began by introducing Election Systems & Software (ES&S) staff, who appeared via conference call, along with Dominion Voting Systems, Inc. staff present in-person, in addition to the committee and committee staff members present.

Chairman Petty introduced Mr. Peter Silverman, Attorney, Baskin Richards, who appeared and was present in-person, and Dr. Jim Helm, Information Technology Program Chair, Arizona State University, who was attending via conference call, who explained that his appearance on the call was as a result of a personal emergency that morning, stating he estimated he would appear in-

person at the Secretary of State's Office in an hour. Ms. Susan Paulson-Parmer, State Certification Manager, Election Systems & Software (ES&S), Mr. Steve Pearson, Senior Vice President of Certification, Election Systems & Software (ES&S), and Ms. Margaret Dos Santos, Account Manager, Election Systems & Software (ES&S), appeared via conference call, representing their vendor. Dominion Voting Systems, Inc. staff and committee staff announced their attendance in-person as well.

III. Status update, discussion and recommendations of Voting Equipment Application for Certification of the 6.0.4.0. Electronic Voting System from Election Systems & Software (ES&S)

Mr. Pearson stated the Engineering Change Order (ECO) from the Election Assistance Commission (EAC) was not yet finished. He stated they feel confident of its approval. New policies and procedures were written for the EAC to assist with the update's approval. With EAC staff changes, he stated EAC staff were confident of the software ECO approval shortly. Mr. Pearson went on to say that while the ECO was not yet approved, they were going to proceed with federal lab approval simultaneously while seeking EAC approval. He stated he expected EAC approval by the late part of November.

Chairman Petty asked after the conditional certification request. Ms. Paulson-Parmer stated that the current version was desired for use in 2020. Mr. Pearson said the modification impacts no other aspects of the system other than the one line modification to ExpressVote firmware. He went on to say that conditional approval would allow moving forward for coding for upcoming elections. Chairman Petty reminded the committee that ES&S does have current EAC approval for 6040, but noted there was a question regarding Spanish languages which would be fixed via a software ECO change.

Dr. Helm asked what the line of code would do. Mr. Pearson said that if no selection was made by a voter, a "no selection" would be noted on a printout, without a Spanish translation. No selection would be noted with a modification, including a Spanish translation as well, on the same line, with the code. He went on to say that this would be ExpressVote changes only.

Chairman Petty said the application could be accepted, rejected, or approved with conditional certification noting that the ECO would need to be completed by a particular date.

Mr. Silverman said that he wished to go into executive session.

Mr. Silverman motioned that the committee exit regular session and enter executive session pursuant to A.R.S. § 38-431.03. Chairman Petty seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: N/A

Ayes: 2
Nays: 0
N/A: 1

It was noted that Dr. Helm may have been dropped from the conference call. The call dropped, and did not allow Dr. Helm to submit his vote, to enter executive session. The motion was noted as “carried with a quorum”.

Chairman Petty said the committee would be exiting the conference room in-person, noting that the conference call would be put on mute. The members moved to another location on-site at the Secretary of State’s Office.

The committee exited regular session at 8:59 a.m.

The committee returned to regular session at 9:12 a.m.

Dr. Helm returned to the meeting via conference call at 9:12 am.

Chairman Petty moved to recommend the certification of the 6.0.4.0. Electronic Voting System from Election Systems & Software (ES&S) with a conditional approval for the Spanish translation on the ExpressVote by 2021, noting that if the change is not received at that time, it would result in a de-certification, requesting that ES&S return noting the intention they would seek and show progress on their application for certification. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes
Mr. Silverman: Yes
Dr. Helm: Yes

Ayes: 3
Nays: 0
N/A: 0

Chairman Petty said that ES&S staff were welcome to exit the meeting and hang up from the call since their agenda item was now concluded. Ms. Paulson-Parmer requested after a written note of the conditional certification. Chairman Petty stated it could be done by next week potentially.

IV. Approval of Minutes from August 15, 2019 Meeting

Mr. Silverman motioned that the previous meeting minutes from August 15, 2019 be approved. Chairman Petty seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: N/A

Ayes: 2

Nays: 0

N/A: 1

Dr. Helm rejoined the meeting via conference call. Ms. Kara Karlson, Assistant Attorney General, Attorney General's Office, stated that legal counsel recommended that the committee leave off Dr. Helm from the meeting via conference call until he arrived in-person at the Secretary of State's Office. Dr. Helm agreed, thanked the committee, and he disconnected from the call at 9:17 a.m.

**V. Review of Voting Equipment Application for Certification of the Democracy Suite
5.5-B Voting System from Dominion Voting Systems, Inc.**

Chairman Petty described the application from Dominion.

Mr. Waldeep Singh, Executive Vice-President of Sales, Dominion, introduced himself from Dominion. He introduced the central count solution, the HIGHPRO high speed scanner. Chairman Petty sought clarification regarding which would be called which. Mr. Singh clarified that Initech HighPro would be its official name. Chairman Petty asked if the Dell was off the shelf, or whether it would need to be purchased from the vendor. Mr. Singh stated it would need to be purchased from the vendor, but that it was off the shelf.

Dominion staff noted that one station served as a work station, while the other served as a back-end station. Chairman Petty asked if the ballot box stacking equipment was included, and Mr. Singh noted that it was.

Chairman Petty said that the 10 minute presentation would be fine, and that the committee could pose questions if it had any.

Mr. Eric Coomer, Vice President, Dominion, introduced the equipment in his presentation, noting it was all off the shelf excluding the ballot box and image cast precinct tool. Chairman Petty asked after the UOCAVA portal. Mr. Coomer said that it was an included feature in the system, and noted that it was not included in the current certification. He stated that templates could be used in repetition per election, but noted that this did not have to be done, per the

Chairman's concerns. He noted that the full range of services were provided for the counties, adding that a training program is used for the larger counties. A full import capability could be done from project to project, he continued, answering the Chairman's concerns. Mr. Silverman asked if Dominion ever did PowerPoint presentations, and Mr. Coomer noted they wanted to show a more hands on demo. He went on, noting that the templates were keyword driven. The keywords are defined in the system, he noted for the Chairman. He continued, stating that an actual workflow is available. He said that it locks down certain parts of the system prior to continuing through election creation. Last minute definitions could be added for any contests that were not included, Mr. Coomer noted, addressing the Chairman's concerns.

Chairman Petty asked if the last minute definitions changed coding, and if so, noted that the Secretary of State's Office would need to do a logic and accuracy test again. Mr. Coomer said that it would only effect equipment for one district if issues occurred in that district. He went on to say that it knows how to process ballots, and that it would not out-stack. He clarified that a candidate who was not included on the ballot would be ignored and the rest of the contests would be counted, in terms of system capability. Mr. Coomer said that an easy backup process is stored on network storage, and it would be up to the jurisdiction to show how they wish to archive something. He said that splits could be done manually, and could be configured by party for primary elections, addressing the Chairman. She asked where the accessible devices would be noted. He answered, stating that the process is the same, and that specific templates would be used, and that it would be pulled and noted based off of the specific piece of equipment used, such as the ImageCast equipment. Chairman Petty questioned how the equipment would be programmed for specific election definitions on accessible equipment. Mr. Coomer responded, saying this is done via USB key, and noted that this is just one definition for all ballot styles in the election in this scenario. He continued, stating that USB keys would need to be designated by the users for specific definition usage. Election data is encrypted and password protected. For the ImageCast, all access is granted through poll worker card. The technician card is used to load an election, and the poll worker card is used to open the election. The password is generated by the user, he continued. He went on to say that it is a pin digit access code with 6-12 numbers, answering Chairman Petty's questions. The precinct based tabulator used SD cards, and the ImageCast uses USB keys. The poll worker card can choose ballot codes, as a backup function. ImageCast voter activation is used for programming the voter cards, he indicated. Mr. Silverman asked about ballot casting capability at a one-time only basis, and the vendor confirmed this was possible.

Dr. Helm arrived in-person at the Secretary of State's Office conference room at 9:46 a.m.

Chairman Petty described the thumb drive functionality for Dr. Helm, noting he could best understand it. Mr. Coomer described key exchange procedure. He stated it is dual authentication, addressing Dr. Helm. Mr. Coomer stated the password did not have to be the same for both card

types, but it was recommended that they are not often differentiated. Chairman Petty asked how this would be configured for the precinct equipment. Mr. Coomer said that 3000 precincts could be used, and that the ImageCast equipment could be used for vote centers or precinct-based voting. The definition sticks are coded per the machine type, he continued.

Chairman Petty said the ballot numbers only go up to 200 on the application, and Mr. Coomer Clarified that this was an inaccurate within the current application, and that it could be set for 200000. He said that digital imaging is done automatically, and went on to say that image backups can be done via smart card, noting they could be programmed via USB key. Redundant images are stored on each card, and nothing was saved per device, only done specific to the smart cards, he continued.

Dr. Helm asked whether the smart card and key card would both be needed, and Mr. Coomer confirmed this. Mr. Silverman asked about the UOCAVA function and its connection to the internet. The Chairman stated it was not included in the current application, and Mr. Coomer noted this was an isolated function, for Mr. Silverman. Kristi Passarelli, Maricopa County Elections Department, noted that 503 polling places were used in the last election cycle. Dr. Helm said a 1 work station per 5 polling locations would likely be used in terms of an approximate estimation. Mr. Coomer said that audio clips could be done in the interface or via upload for the Native American languages, addressing the Chairman. Dr. Helm asked if both a button and SD card are used per station. Mr. Coomer said both would need to be programmed. Dr. Helm estimated it would be about 3 hours for Maricopa County to set up the work stations based on the setup parameters for the programming. Mr. Coomer continued, specifying that styling elements could all be controlled through the template process, answering the Chairman, noting it could also be shown on the accessible equipment. During ballot structure definition, contest rotation is an included step, and went on to say that ballot measure font color and additional parameters would also be generated here, per Chairman Petty's inquiry.

Mr. Coomer said that central count could be connected, and most of their customers use it this way, but it could also be done via USB key, as a part of an isolated closed network. Dr. Helm asked how electronic information is transferred. Mr. Coomer answered, saying that the results are uploaded from electronic data, and noted that audits are primarily at the discretion of each state. Dr. Helm went on to ask after election results uploads and audit procedure. Chairman Petty said this could be done if needed. Mr. Coomer said this is jurisdiction based. The central count could be configured for either a consolidated or precinct level report, one or the other. Once this is in the election management system, it could be displayed in any way desired, he continued, addressing the Chairman.

Mr. Ken Matta, Information Security Officer, Secretary of State's Office, announced himself, and requested to ask a question for Dominion staff via the committee Chair. Chairman Petty said

he could. Mr. Coomer spoke to the Chairman, responding to Mr. Matta's inquiry, stating that all precincts defined per machine would be printed, but it could be limited by definition, if only one or two precincts were needed to be printed. Mr. Matta thanked the Chair.

Dr. Helm asked how the smart card identifies the machine it is inserted to. Mr. Coomer answered, stating that encryption file elements are identified for each device by Election Management System (EMS) programming. It can be set up for individual devices, but it would not be recognized on another machine, since election signature matching would be required, he summarized.

VI. Presentation of the Script to be used for the test of the Democracy Suite 5.5-B Voting System Dominion

Chairman Petty said that primary election voting would be done for the accessible equipment, followed by optical scanning, and a similar process would be done for the general election, with zero tape generation being done beforehand.

Dominion staff noted that they currently had the general election loaded. Chairman Petty noted that the committee could test backwards.

VII. Conduct Test of the Democracy Suite 5.5-B Voting System

Chairman Petty requested zero tape generation before the test began.

Dominion staff noted that ballot stock was being used for ballot printout paper, and noted that black and white printout was used for the parties, addressing the Chairman. Chairman Petty asked if the voter would receive a paper printout from the equipment. Mr. Coomer confirmed this.

Chairman Petty wanted to confirm whether damaged or defective ballots would be out-stacked. Mr. Coomer said that out-stacking would only be done for double ballots, stating it would only come to a full stop during tabulation for damaged or defective ballots. Clear indication is on-screen, he continued, addressing Mr. Silverman and Ms. Karlson's concerns.

Chairman Petty asked after the access levels for the adjudication function. Mr. Coomer said there are two roles for adjudication, team logins, one login per team, in addition to administrative login, which displays batch management, and re-opening ballots. User labeling is done outside of the system, he went on. Chairman Petty asked if a log is kept prior to ballot commitment to the

results, and Mr. Coomer confirmed this. Chairman Petty requested this to be shown during the demo later on.

Chairman Petty asked whether the EMS could locate a write-in ballot. Mr. Coomer said that write-in ballots could be diverted into the write-in ballot bin, or later visually verified. Mr. Silverman asked whether this single machine was the only one staff could vote on. Dominion staff stated there would be two available for the primary election portion of the test.

Chairman Petty asked whether the ballot header and precinct name is customizable. Mr. Coomer confirmed this. Mr. Silverman asked whether the ballots could be fed in the equipment by any direction, and what the identification number signified. Mr. Coomer confirmed that it could be fed any way, and that the number signified the precinct identification due to the precinct splits. Chairman Petty asked if there is a timeout function configurable within the accessible equipment. Mr. Coomer answered that this was available. Chairman Petty asked whether any reboot button is anywhere on the equipment. Mr. Coomer stated this is not present.

Mr. Coomer asked whether any paper ballots would need to be added when the upload was happening. Chairman Petty stated that only the accessible votes would be uploaded for this portion of the test.

Mr. Coomer said that during the tabulation process, the tabulation would stop completely if any errors or damaged ballots were detected, answering the Chairman's concerns. He continued, saying that any detected ballot errors could be rejected during the tabulation process if necessary. Dr. Helm asked what would happen when no write-ins were voted. Mr. Coomer responded, stating that the reports will show generic write-in ballots, not vote totals for the election report.

There was shown to be one inconsistency in the State Senate race.

The committee concluded that the votes were accurately accounted for when viewing the precinct level report. The accessible portion of the general election test was shown to have been voted correctly.

Chairman Petty motioned that the committee recess for lunch. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3
Nays: 0
N/A: 0

The committee recessed for lunch at 11:58 a.m.

The committee returned from the recess at 12:28 p.m.

The general election test continued with the optical scan portion of the equipment.

Dr. Helm left the Secretary of State's conference room to retrieve his cell phone at 12:42 p.m.

Dr. Helm returned to the room at 12:53 p.m.

Mr. Coomer stated that three batches had gone through adjudication. The reports could then be displayed in adjudication. Chairman Petty asked whether a report could not be run by team at this point. Mr. Coomer confirmed this could not. Ms. Sambo Dul, State Election Director, Secretary of State's Office, said that the draft procedures manual requires adjudication to be able to provide a printout of the adjudications made for the purposes of a verifiable paper audit trail. Mr. Coomer said that the report could be printed per batch. Dominion staff noted they have been internally discussing displaying adjudication results reports station by station. Ms. Dul said that the county agreement described an activity report generation per station in order to show results in paper audit form for procedures manual implementation. Chairman Petty said that the issue would be what a team would verify against. Mr. Coomer said that an adjudication could be flagged for the administrator review. The activity log would still need to be printed, Ms. Dul said. Mr. Coomer said that adjudicated audit marks could be reviewed through the activity report with an additional access level. This could also be accomplished with a higher level login in terms of access, Mr. Coomer continued for the Chairman. He went on to say that the activity log could be compared to the audit log, addressing Ms. Dul. Chairman Petty asked whether this would be the only way to adjudicate, seeking clarification regarding whether there was no out-stacking for adjudication. Mr. Coomer confirmed this. He said that batch completion and a per user ballot adjudication is how the system has been configured for most of their accounts, but they have received questions regarding more strenuous and wider audit review.

The corporation commission contest was shown to have been placed with a discrepancy in regards to the adjudicated vote. Chairman Petty requested a precinct report for the corporation commission contest.

The votes for corporation commission were shown to be calculated incorrectly by hand count from the Secretary of State's Office's results, but the voting equipment was shown to have tabulated the optical scan portion for the general election correctly.

The optical scan portion of the general election was shown to have concluded successfully.

The accessible portion of the primary election test began.

Ms. Dul asked how ballots can be read. Mr. Singh stated this could be done by the tabulator or on the back end, done via bar code. Chairman Petty asked whether language options would appear in the startup menu if additional languages were added for the accessible equipment. Mr. Singh confirmed that additional languages would appear in this menu. Mr. Coomer said that the cards could be configured to time out, along with the equipment, addressing the Chairman.

Dr. Helm asked if the instructions for the accessible equipment noted the differentiation between single touch and a double confirmation touch for ADA mode as opposed to regular mode. Mr. Coomer confirmed this.

Dr. Helm said he had an issue, and made a mistake, by taking out the voter card prior to getting a prompt for him to remove the card.

Ms. Karlson noted that she would be leaving the committee meeting for a doctor's appointment, and exited the meeting at 2:08 p.m.

No adjudications were done for the accessible portion of the test for the primary election.

Mr. Joseph LaRue, Assistant Attorney General, Attorney General's Office, interrupted the meeting and stated that the meeting agenda would need to be posted to the Secretary of State's Office's web site in order for the meeting to take place. It was their legal recommendation that the meeting be stopped, in order to determine what would need to be done going forward, and proposed a possible ratification scenario.

Mr. Chris Rhode, Elections Analyst, Secretary of State's Office, stated he would show Mr. LaRue where the meeting agenda was posted to the Secretary of State's Office's web site. Upon locating the agenda, Mr. LaRue said that it was his current belief that the meeting could continue, and left the meeting in order to consult additional Attorney General's Office staff for further clarification.

Mr. LaRue returned, and noted that since the agenda was published to the Secretary of State's Office's web site, it was his advice that the meeting could continue.

The meeting continued with the accessible portion of the primary election test.

One of the ballots was shown to have not been included with the tabulation results.

Upon re-tabulation, the accessible portion of the primary election was shown to have been tabulated correctly.

The optical scan portion of the primary election test began.

Mr. Singh asked how the Chairman would like to handle a ripped ballot. She requested that it be tabulated, and tabulation stopped on the ripped ballot accordingly. Dr. Helm asked if the tabulation would need to restart once the process stops for errors. Mr. Coomer stated that the process did not have to start from the beginning, and could continue.

Chairman Petty noted that the election results should show one more ballot than the predetermined results due to adjudication.

One ballot was marked with red ink, which was not detected with the adjudicator.

With this point in adjudication results in mind above, the results for the general election test using the optical scan equipment were shown to have tabulated correctly.

VIII. Discussion & Recommendations Regarding the Certification of the Democracy Suite 5.5-B Voting System from Dominion Voting System, Inc.

Mr. LaRue stated that the committee can recommend whatever it would like to, but noted that the Secretary's final decision may involve conditional certification. The issue is that the Secretary has submitted a draft procedures manual to the Attorney General and Governor, which authorizes adjudication, but the manual will only be effective in state election law if approved by the Governor.

Mr. Silverman asked what statute was being examined. Ms. Dul stated that there is no statutory reference, but that it is not authorized by the current procedures manual. Because manual adjudication cannot be done with this system, Ms. Dul stated that it would not be able to be conditionally approved.

Chairman Petty motioned that the committee exit regular session and enter into executive session pursuant to A.R.S. § 38-431.03. Dr. Helm seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The committee entered executive session at 3:01 p.m.

The committee returned from executive session and entered into regular session at 3:17 p.m.

Chairman Petty motioned for the recommendation of the Democracy Suite 5.5-B Voting System from Dominion Voting Systems, Inc., with conditional certification of the adjudication component dependent on the procedures manual draft approval. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

IX. Discussion of Upcoming Meetings and Summary of Current Events by Chair Janine Petty

The Chairman noted that no current meetings were scheduled at this time.

X. Call to the Public – Please note: the committee may not discuss items that are not on the agenda. Comments are limited to 5 minutes per member of the public.

The Chairman noted that no members of the public were present to comment.

XI. Adjournment

Chairman Petty motioned that the committee adjourn. Mr. Silverman seconded the motion, and the motion was carried unanimously.

Votes:

Chairman Petty: Yes

Mr. Silverman: Yes

Dr. Helm: Yes

Ayes: 3

Nays: 0

N/A: 0

The meeting was adjourned at 3:20 p.m.